IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 22786 of 1999

Between:

Md. Yousuf, E.87098, S/o.Mohd. Isamil,
Hyderabad, Hyderabad District.

..... PETITIONER

AND

1 The APSRTC., rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC.,
Hyderabad City Region, Picket,
Secunderabad.
3 The Depot Manager, APSRTC.,
Kukatpally Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the Nature of writ of Mandamus declaring the action of the respondents not providing the alternative employment is illegal, arbitrary and consequently direct the respondents to provide the alternative employment to the petitioner in terms of the Sec.47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and as per law laid down in 1999(1) ALD page 632 and pass

Counsel for the Petitioner:MR.S.A.K.MYNUDDIN

Counsel for the Respondents : MRS.NANDA R. RAO

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not providing alternative employment to the petitioner as arbitrary and illegal and consequently direct the respondents to provide alternative employment to the petitioner in terms of provisions of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) 1965(in short 'the Act') and as per law laid down in 1999 (1) ALD 632.

The petitioner was working as a driver in APSRTC. He was sent for periodical medical checkup and the petitioner was visually handicapped and his vision did not satisfy the standard eye sight required for a bus driver. Therefore, he was retired from service on medical grounds on 6-8-1999 and after completion of one year, he was made to retire on medical grounds.

It is the contention of the petitioner that in the light of the provisions of Section 47 of the Act, he is entitled for being considered for alternative employment and in spite of there being judgment rendered by this Court and also in view of the provisions of the Act, the respondents are not offering alternative employment which is arbitrary and illegal.

Be that as it may, since now a Commission has been constituted to decide the claims under the provisions of Section 47 of the Act, it is proper for the petitioner

to approach the said commission and work out his remedies .

In view of the same without going into the merits of the case, the petitioner is directed to approach the Commission and file a representation and on filing of such representation, the Commission shall entertain and decide the matter on merits after hearing all the concerned parties within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

C.V.RAMULU,J

13-06-2005

Stp

To:

1 The Managing Director, APSRTC.,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC.,
Hyderabad City Region, Picket,
Secunderabad.
3 The Depot Manager, APSRTC.,
Kukatpally Depot, Hyderabad.

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